



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

April 5, 2019

Via Email:

Ben Ashford
68557-08814617@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P480517

Dear Ben Ashford:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA) request for the following:

"Pursuant to the Illinois Freedom of Information Act, I hereby request the following records:

All 911 calls, police dispatch, police reports and transcripts/tapes of interviews relating to the reported January 29, 2019 assault on Jussie Smollett in downtown Chicago. Additionally all CCTV footage and still images of Mr Smollett, suspects and persons of interest, including any photos of the victim's injuries, the crime scene and a noose like ligature reportedly found around his neck."

Your request was reviewed by CPD. Upon review, it was determined that the requested records must be denied in their entirety as information that is protected and exempt from disclosure under the following provision of the Illinois Freedom of Information Act;

5 ILCS 140/7(1)(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law;

The requested records are exempt from disclosure pursuant to the Order for Immediate Sealing of Criminal Records entered on March 26, 2019, and still in effect on the date of this letter, by Judge Steve Watkins in the case of *People of the State of Illinois v. Jussie Smollett*, 19 CR 3104. This Order prohibits the release of records in reference to the criminal case of Jussie Smollett. (See Order, attached hereto). The Illinois Supreme Court has recently affirmed the Appellate Court's decision in *In re APPOINTMENT OF SPECIAL PROSECUTOR*, and held that a lawful Court Order takes precedence over the disclosure requirements of FOIA. *In re APPOINTMENT OF SPECIAL PROSECUTOR*, 2019 IL 122949 at ¶66.

It was determined that the CPD has no records responsive to your request relating to 911 calls. Please note that each City Department is a separate "public body" under Section 2 of FOIA, 5 ILCS 140/2(a). See *Duncan Publishing Inv v, City of Chicago*, 304 Ill. App.3d 778, 784, 709 N.E. 2d 1281, 1282 (1st Dist 1999). A FOIA request must be directed to the department that maintains the records you're seeking.

Please be advised, the Chicago Police Department neither possesses nor maintains the records concerning 911/311 service calls. These records, transcripts, and recordings are under the auspices of the Office of Emergency Management and Communications (OEMC). You may direct your request for these records to them at the following address:

OEMC FOIA
1411 W. Madison
Chicago, IL 60607
312-746-9403
oemcfoia@cityofchicago.org

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653
foia@chicagopolice.org

You have a right of review by the Illinois Attorney General's Public Access Counselor, who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at 877-299-3642. You may also seek judicial review under 5 ILCS 140/11.

Sincerely,

A. Marlan
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653